

REMARKS

Claims 1-31 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 17, 22, 24, 25, 29 and 31 under 35 U.S.C. § 102(b) as being anticipated by Kawada et al. (JP 06-028672). Applicants respectfully traverse this rejection on the following basis.

Claim 17 recites that a thickness of the recording member is larger than a wavelength of the light beam. Applicants respectfully submit that Kawada does not disclose or suggest at least this feature of claim 17.

In the Office Action, the Examiner points to paragraph [0022] of the English translation of Kawada as allegedly disclosing the above-noted feature. Applicants respectfully disagree. In particular, Applicants note that paragraph [0022] of Kawada discloses that the wavelength of a laser is used such that laser light reinforcement is sufficiently small so that record data may not be destroyed.

Thus, while paragraph [0022] includes a description of the wavelength that is used in Kawada, this description is not at all concerned with the wavelength of the light beam in relation to the thickness of the recording member. Instead, paragraph [0022] of Kawada merely discusses a benefit that is gained by utilizing the disclosed wavelength.

Accordingly, as Kawada includes no disclosure regarding the relationship between the wavelength of the laser beam and the thickness of the recording member, Applicants respectfully submit that Kawada fails to disclose, suggest or otherwise render obvious the feature of a

thickness of the recording member being larger than a wavelength of the light beam, as recited in claim 17.

In view of the foregoing, Applicants submit that claim 17 is patentable over Kawada, an indication of which is kindly requested. If the Examiner maintains the rejection of claim 17 based on Kawada, Applicants respectfully request that the Examiner explicitly identify the language in Kawada which indicates that the thickness of the recording member is larger than the wavelength of the light beam.

In addition, Applicants note that claim 17 also recites that the amount of change in refractive index is less than or equal to 0.02. Applicants respectfully submit that Kawada fails to disclose or suggest such a feature. In the Office Action, the Examiner points to paragraph [0013] of the English translation as allegedly disclosing that the change in refractive index is less than 0.02. Applicants respectfully disagree.

Initially, Applicants note that the machine translation relied on by the Examiner is not entirely correct, and respectfully submit that the proper English translation of paragraph [0013] of Kawada is as follows:

[0013] According to the optical recording method of the present invention, for example, when data is recorded with a laser beam of a wavelength of 500nm and thus a change in refractive index occurs in a range of 1mm^3 around a light-condensing spot, a recording density of $1 \times 10^{12} \text{ bit/cm}^3$ is obtained. The higher recording density can be obtained by use of a laser beam with the shorter wavelength, or use of an objective lens with a high numerical aperture. The higher recording density can also be obtained, by use of a recording material which has a linear photosensitivity to a laser beam intensity to reduce an area in which the change in refractive index occurs.

Accordingly, based on the correct translation of paragraph [0013] of Kawada above, it is clear that Kawada discloses that by using a wavelength of 500 nm, a change in refractive index occurs in a range of 1mm³ around a light-condensing spot. Such disclosure, however, clearly does not indicate that an amount of change in refractive index is less than or equal to 0.02, as recited in claim 17.

In view of the foregoing, Applicants submit that Kawada fails to disclose, suggest or otherwise render obvious all of the features recited in claim 17. Accordingly, Applicants submit that claim 17 is patentable over Kawada, an indication of which is kindly requested. Claims 22, 24, 25, 29 and 31 depend from claim 17 and are therefore considered patentable at least by virtue of their dependency.

II. Claim Rejections under 35 U.S.C. § 103(a)

A. The Examiner has rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Kawada et al.

Claim 18 depends from claim 17. As noted above, Kawada fails to disclose, suggest or otherwise render obvious all of the features recited in claim 17. Accordingly, Applicants respectfully submit that claim 18 is patentable at least by virtue of its dependency.

B. The Examiner has rejected claims 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Kawada et al. in view of Takahashi (U.S. 5,748,601).

Claims 19-21 depend from claim 17. Applicants respectfully submit that Takahashi fails to cure the deficiencies of Kawada, as discussed above, with respect to claim 17. Accordingly, Applicants respectfully submit that claims 19-21 are patentable at least by virtue of their dependency.

C. The Examiner has rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Kawada et al. in view of Hesselink et al. (U.S. 6,212,148).

Claim 23 depends from claim 17. Applicants respectfully submit that Hesselink fails to cure the deficiencies of Kawada, as discussed above, with respect to claim 17. Accordingly, Applicants respectfully submit that claim 23 is patentable at least by virtue of its dependency.

D. The Examiner has rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Kawada et al. in view of Yamada et al. (U.S. 5,080,947).

Claim 26 depends from claim 17. Applicants respectfully submit that Yamada fails to cure the deficiencies of Kawada, as discussed above, with respect to claim 17. Accordingly, Applicants respectfully submit that claim 26 is patentable at least by virtue of its dependency.

E. The Examiner has rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Kawada et al. in view of Durham (U.S. 5,532,998).

Claim 27 depends from claim 17. Applicants respectfully submit that Durham fails to cure the deficiencies of Kawada, as discussed above, with respect to claim 17. Accordingly, Applicants respectfully submit that claim 27 is patentable at least by virtue of its dependency.

F. The Examiner has rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Kawada et al. in view of Ishii et al. (U.S. 4,125,860).

Claim 28 depends from claim 17. Applicants respectfully submit that Ishii fails to cure the deficiencies of Kawada, as discussed above, with respect to claim 17. Accordingly, Applicants respectfully submit that claim 27 is patentable at least by virtue of its dependency.

III. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 1-16 and 30 are allowed.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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